

**Regulation of various service
conditions of All India Service
Officers born on Maharashtra Cadre**

**Government of Maharashtra
General Administration Department
Government Resolution No :- IAS 1012/C.R. 93 (N)/2012/IX
Dated :- 26 November, 2012**

Introduction :-

The conditions of services of All India Service Officers are governed by the All India Service Act, 1951 and various rules framed there under. Some of these rules are mandatory in nature, meaning that the State Government has no discretion in implementing the provisions of the said rules and the provisions are to be implemented in toto. Whereas some rules are discretionary in nature wherein the General Rules/Orders of the State Government as applicable to the State Class -I Officers or Special Rules/Orders of State Governments framed for All India Service Officers are applicable to the members of All India Service Officers. The Government of India have made provisions in the various rules framed under the All India Services, Act 1951 regarding applicability of general rules of the State Government as applicable to the State Class-I Officers for regulating the various service conditions of the members of service as mentioned under the discretionary rules. In such cases it is the discretion of State Government to take the decision regarding applicability of benefits or allowances or the general rules of the State Government as applicable to the State Class-I Officers are applied to the members of All India Service Officers. This action of the State Government results in the grievances of members of AIS and could lead to filing of litigations in various forums or to the Central Government. Thereby causing embarrassment to the State Government. In order to avoid such instances it is felt necessary to reiterate the provisions of the various rules in the form of Government Resolution. Therefore the issue of regulating the various service conditions of All India

Service Officers born on Maharashtra cadre was under the consideration of the Government .

Government Resolution

Now the Government has decided to regulate the various service conditions of All India Service Officers born on Maharashtra cadre as follows :-

Mandatory Rules :-

2. The effects of the mandatory rules framed under the All India Service Act, 1951 by the Government of India are applicable to the Members of Service working in the state without any discretion left to the State Government. In such cases it is just the formality left to the State to apply the provisions of such rules or the decisions of Central Government to the Members of Services working in the State. Even if such rules imply any financial burden on the State Exchequer or not, the benefits of such rules of Central Government are needed to be made applicable to members of service. Therefore in order to simplify the procedure and minimise the delay in dealing with conditions of services falling under the mandatory rules , such proposals will be processed by the General Administration Department independently without consulting the Finance Department and will be submitted directly through the Chief Secretary to the Hon'ble Chief Minister.
3. Besides the mandatory rules as referred in annexure-1, the Government of India extends benefits to the members of service by way of executive instructions in absence of the statutory rules. The executive instructions issued by the central government in absence of special rules also have the efficacy of the rules made under the All India Services Act, 1951 by central government, as has been opined by the Central Government in consultation with the Law and Judiciary Department, Government of India. Such allowances or provisions made applicable by Central Government through executive instructions will also fall in the category of mandatory nature and will have to be made applicable to the members of service mandatorily without any discretion left to the State Government. Moreover non-

implementation of service conditions prescribed under mandatory rules or executive instructions of Central Government creates an anomalous situation for the AIS officers returning from the central deputation, wherein they receive some benefits under applicable rules or executive instructions while they are on central deputation but are denied such benefits after their return to the parent state. The proposals related to such benefits or conditions of services to AIS officers will also be processed by the General Administration Department independently without consulting the Finance Department and will be submitted directly through Chief Secretary to the Hon'ble Chief Minister.

Discretionary Rules :-

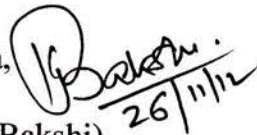
4. In respect of conditions of services where there are no special rules framed under the All India Services Act, 1951 by the Government of India or no executive instructions are issued by the Central Government or special rules are framed by Central Government with a provision that the General Rules of the State Government which are applicable to the State Civil Services Class - I Officers will apply to members of AIS or Special Rules if framed by State Governments for All India Service Officers are applicable to the members of All India Service Officers working in the state. But since there are no Special Rules in our State for AIS officers, the General Rules which are applicable to the State Civil Services Class - I Officers of the State apply to the Members of All India Service. In such cases it is the discretion left to the State Government to take decision regarding applicability of such service conditions from such date.
5. In view of facts mentioned in Para 6 above, the discretionary rules can be broadly put as follows :-
 - 1) AIS (Medical Attendance) Rules, 1954 provides that the state government has the discretion to grant any concession relating to medical attendance to the member of service which is otherwise not admissible under the AIS (Medical Attendance) Rules, 1954.

- 2) Discretionary Rules having financial burden on the State Exchequer e.g. City Compensatory Allowance, Travelling Allowance etc.
 - 3) Rules providing the option to the member of the All India Service as to whether he or she wishes to avail the benefit as per the State rules or AIS rules e.g. House Building Advance, Leave Travel Concession etc.
6. In order to simplify procedure and minimize the delay in dealing with the cases falling under Para 5(1) above, regarding the condition of service about medical attendance/reimbursement, the proposals regarding the reimbursement of medical expenses incurred by the member of service are dealt as per the general rules which are applicable to the State Civil Services Class - I Officers of the State. In cases where the general rules of the state do not allow reimbursement of expenses incurred for treatment taken in other states the proposals are submitted before the committee constituted under the chairmanship of Principal Secretary, Public Health Department for considering the reimbursement. But as per executive decision dated 10.1.1963 under rule 2 of AIS (Medical Attendance) Rules, 1954, the member of family of the member of service is entitled to medical attendance and treatment in other state. As per Rule 14 of the said rules, the State Government has discretion to grant to a member of the Service, or to a member of the family of a member of the Service, any concession relating to medical attendance or traveling allowance for any journey performed by him which is not authorized under The All India Services (Medical Attendance) Rules, 1954. Therefore the proposals related to medical treatment of member of service or the member of family not fitting within the general rules of the state, will be dealt with by the General Administration Department in consultation with the Public Health Department and Finance Department separately for the approval.
7. The cases which fall in the category as mentioned in Para 5(2) above, the proposals in respect of such conditions of service will be initiated by the General Administration

Department and will be submitted to the Hon'ble Chief Minister through Chief Secretary only after consultation with the Finance Department.

8. The cases which fall in the category as mentioned in para 5(3) above where a member of the service has to exercise the option of availing the benefit as per the State Rules such as House Building Advance, Leave Travel Concession, such cases will be processed by the General Administration Department as per the prevailing general rules of the State Government in that behalf and as per the delegation of powers as approved by the Finance Department from time to time.
9. The various rules framed under the All India Service Act, 1951 applicable to the All India Service Officers classified as mandatory and discretionary are listed in annexure-1 attached to this Government Resolution.
10. This order issues with the concurrence of the Finance Department vide their Un-Official Reference No.197/SER-5, No. 375/SER-6 and No. 593/12/Viniyam dated 6.11.2012.
11. The Marathi version of the Government Resolution will follow.
12. This Government Resolution is made available on the Government Website and its computer code is 201211261050285107.

By order and in the name of Governor of Maharashtra,


(K.P. Bakshi)
Principal Secretary(services)

Copy to,

1. Secretary to Hon'ble Governor
2. Principal Secretary to Hon'ble Chief Minister
3. A.C.S./Principal Secretary/Secretary of Mantralaya Administrative Departments
4. Deputy Secretary to Chief Secretary
5. Accountant General (A. & E.), Maharashtra - 1/2, Mumbai/Nagpur
6. All Mantralaya Administrative Departments
7. Finance Department (Viniyam/Ser-5/Ser-6), Mantralaya, Mumbai
8. Public Health Department (Aryogya-3), Mantralaya, Mumbai
9. Desk 10, 10-A and 9-A, General Administration Department, Mantralaya, Mumbai
10. Select file(Desk-9)

Annexure-1 to the Government Resolution No :- IAS 1012/C.R. 93 (N)/2012/IX,
dated 26th November, 2012

A) List of Mandatory Rules

1. Relevant Portions of the Constitution of India relating to the All India Services.
2. The All India Services Act, 1951
3. The All India Services (Leave) Rules, 1955
4. The All India Services (Special Disability Leave) Regulations, 1957
5. The All India Services (Study Leave) Regulations, 1960
6. The All India Services (Provident Fund) Rules, 1955
7. The All India Services (Conduct) Rules, 1968
8. The All India Services (Prevention of Sexual Harassment) Regulations, 1998
9. The All India Services (Discipline and Appeal) Rules, 1969
10. The All India Services (Death-Cum-Retirement Benefits) Rules, 1958
11. The All India Services (Commutation of Pension) Regulations, 1959
12. The All India Services (Remittances Into and Payments from PF and family pension Funds) Rules, 1958
13. The All India Services (Performance Appraisal Report) Rules, 2007
14. The All India Services (Joint Cadre) Rules, 1972
15. The All India Services (Dearness Allowance) Rules, 1972
16. The Former Secretary of State Service Officers (Conditions of Service) Act, 1972)
17. The All India Services (House Rent Allowance) Rules, 1977
18. The All India Services (Group Insurance) Rules, 1981
19. Miscellaneous Executive Instructions - Concerning All India Services
20. I.A.S.(Pay) Rules, 2007
21. I.P.S.(Pay) Rules, 2007
22. I.F.S.(Pay) Rules, 2007

B) List of Discretionary Rules

1. The All India Services (Medical Attendance) Rules, 1954
2. The All India Services (Compensatory Allowance) Rules, 1954
3. The All India Services (Travelling Allowance) Rules, 1954
4. The All India Services (Conditions of Service-Residuary Matters) Rules, 1960
5. The All India Services (Leave Travel Concession) Rules, 1975
6. The All India Services (House Building Advanced) Rules, 1978
